



**HB 66 CONTROLLED SUBSTANCES; HOMICIDE;—
SECTIONAL ANALYSIS
VERSION S.A**

May 12, 2023

Section 1. This section reclassifies a homicide resulting from conduct involving controlled substances from manslaughter to murder in the second degree. A person is guilty of murder in the second degree under this theory where the person violates misconduct involving a controlled substance in the first through third degrees and a person dies as a result of ingesting the drugs.

Section 2. This section specifies that if he person violates misconduct involving a controlled substance in the *fourth degree* for a schedule IVA controlled substance and a person dies it will remain as manslaughter.

Section 3. This section specifies that the death described in section 1 does not require a culpable mental state and defines “ingesting” as it relates to section 1 and 2. Both of these concepts are found in current law in conjunction with the language found in sec. 1 and 2.

Section 4. This section amends misconduct involving a controlled substance in the first degree (unclassified felony) to include where a person delivers a schedule IA, IIA, IIIA, or IVA controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered.

Section 5. This section adds definitions for “incapacitated” and “mentally incapable” to misconduct involving a controlled substance in the first degree. This change is related to the change made in section 4.

Section 6. This section makes the delivery of methamphetamine misconduct involving a controlled substance in the second degree (class A felony).

Section 7. This section makes it misconduct involving a controlled substance in the third degree (class B felony) to deliver marijuana to a person who is *under the age of 18* and at least three years younger than the person delivering the marijuana.

Section 8. This section makes it misconduct involving a controlled substance in the fourth degree (class C felony) to deliver marijuana to a person who *is 18 years of age* and at least three years younger than the person delivering the marijuana.

Section 9. This section creates an enhanced sentencing range of seven – 11 years for persons who are convicted of class A felony level manufacturing or delivering fentanyl or the delivery of methamphetamine.

Section 10. This section is the applicability section. This bill will apply to offenses occurring on or after the effective date.

Section 11. This section establishes the effective date as July 1, 2023.